

652d	10/24/16	29.3	ND
652e	11/10/16	1	ND
652f	11/10/16	5.9	ND

653. 10 Eleanor Lane is located approximately one third of a mile northeast of the Landfill. It is the home of Bourassa family, Individual Plaintiffs in this case.

654. 10 Eleanor Lane is receiving bottled water from Casella, SRDP, and/or the Town, and has a POET treatment system installed.

655. In the May 2017 IRA Status Report, Tighe & Bond reported the following testing information to DEP regarding 1,4-dioxane, chloroform, and arsenic concentrations in samples collected from the residential well at 11 Eleanor Lane in Charlton:

¶ No.	Sample Date	1,4-Dioxane Concentration (µg/L) ORSG = 0.3 µg/L	Chloroform Concentration (µg/L) ORSG = 70 µg/L	Arsenic Concentration (µg/L) MMCL = 10 µg/L
655a	9/26/13	0.07*	ND	2
655b	4/18/16	ND	0.17*	ND
655c	1/20/17	ND	0.49*	ND
655d	4/14/17	ND	0.19*	ND

656. 11 Eleanor Lane is located approximately one third of a mile northeast of the Landfill. It is the home of the Mancini family, Individual Plaintiffs in this case.

657. 11 Eleanor Lane is receiving bottled water from Casella, SRDP, and/or the Town.

658. 11 Eleanor Lane does not have a POET treatment system installed.

659. In the May 2017 IRA Status Report, Tighe & Bond reported the following testing information to DEP regarding 1,4-dioxane and chloroform concentrations in samples collected from the residential well at 13 Eleanor Lane in Charlton:

¶ No.	Sample Date	1,4-Dioxane Concentration (µg/L) ORSG = 0.3 µg/L	Chloroform Concentration (µg/L) ORSG = 70 µg/L
659a	11/2/15	0.27	ND
659b	4/18/16	ND	0.12*
659c	1/18/17	ND	0.49*
659d	4/14/17	ND	0.25*

660. 13 Eleanor Lane is located approximately one third of a mile northeast of the Landfill. It is the home of the Courchaine family, Individual Plaintiffs in this case.

661. 13 Eleanor Lane is receiving bottled water from Casella, SRDP, and/or the Town.

662. 13 Eleanor Lane does not have a POET treatment system installed.

663. In the May 2017 IRA Status Report, Tighe & Bond reported the following testing information to DEP regarding chloroform concentrations in samples collected from the residential well at 14 Eleanor Lane:

¶ No.	Sample Date	Chloroform Concentration (µg/L) ORSG = 70 µg/L
663a	7/28/16	0.13*

664. 14 Eleanor Lane is located approximately one third of a mile northeast of the Landfill. Until early 2017, it was the home of the Murphy family, Individual Plaintiffs in this case.

665. 14 Eleanor Lane is receiving bottled water from Casella, SRDP, and/or the Town.

666. 14 Eleanor Lane does not have a POET treatment system installed.

667. In the May 2017 IRA Status Report, Tighe & Bond reported the following testing information to DEP regarding 1,4-dioxane and toluene concentrations in samples collected from the residential well at 15 Eleanor Lane in Charlton:

¶ No.	Sample Date	1,4-Dioxane Concentration (µg/L) ORSG = 0.3 µg/L	Toluene Concentration (µg/L) MMCL = 1000 µg/L
667a	9/25/15	0.12*	ND
667b	12/21/15	ND	0.13*
667c	4/20/16	ND	0.15*
667d	5/23/16	ND	0.14*

668. 15 Eleanor Lane is located approximately one third of a mile northeast of the Landfill.

669. 15 Eleanor Lane is not receiving bottled water from Casella, SRDP, or the Town, nor does it have a POET treatment system.

670. In the May 2017 IRA Status Report, Tighe & Bond reported the following testing information to DEP regarding chloroform concentrations in samples collected from the residential well at 17 Eleanor Lane in Charlton:

¶ No.	Sample Date	Chloroform Concentration (µg/L) ORSG = 70 µg/L
670a	12/30/15	0.2*
670b	4/20/16	0.2*
670c	5/25/16	0.28*
670d	6/30/16	0.75

670e	8/2/16	0.55
670f	9/1/16	1.6
670g	9/27/16	1.1
670h	10/20/16	0.93
670i	1/8/17	0.7
670j	4/13/17	1.1

671. 17 Eleanor Lane is located approximately one third of a mile northeast of the Landfill. It is the home of the Rapoza family, Individual Plaintiffs in this case.

672. 17 Eleanor Lane is receiving bottled water from Casella, SRDP, and/or the Town, and it has a POET treatment system installed.

673. In the May 2017 IRA Status Report, Tighe & Bond reported the following testing information to DEP regarding toluene, chlorobenzene, and chloroform concentrations in samples collected from the residential well at 18 Eleanor Lane in Charlton:

¶ No.	Sample Date	Toluene Concentration (µg/L) MMCL = 1000 µg/L	Chlorobenzene Concentration (µg/L) MMCL = 100 µg/L	Chloroform Concentration (µg/L) ORSG = 70 µg/L
673a	12/30/15	0.3*	ND	ND
673b	8/1/16	ND	ND	0.17*
673c	11/30/16	ND	0.5*	0.13*

674. 18 Eleanor Lane is located approximately one third of a mile northeast of the Landfill. It is the home of the O'Neill family, Individual Plaintiffs in this case.

675. 18 Eleanor Lane is receiving bottled water from Casella, SRDP, and/or the Town.



676. 18 Eleanor Lane does not have a POET treatment system installed.

677. In the May 2017 IRA Status Report, Tighe & Bond reported the following testing information to DEP regarding toluene and chloroform concentrations in samples collected from the residential well at 19 Eleanor Lane in Charlton:

¶ No.	Sample Date	Toluene Concentration (µg/L) MMCL = 1000 µg/L	Chloroform Concentration (µg/L) ORSG = 70 µg/L
677a	7/29/16	0.12*	0.21*
677b	1/20/17	ND	0.15*
677c	4/14/17	ND	0.15*

678. In the May 2017 IRA Status Report, Tighe & Bond also reported a lead concentration of 1 µg/L and an arsenic concentration of 1 µg/L in samples collected on November 6, 2015 from 19 Eleanor Lane.

679. 19 Eleanor Lane is located approximately one half mile north/northeast of the Landfill. It is the home of the Bousquet family, Individual Plaintiffs in this case.

680. 19 Eleanor Lane is receiving bottled water from Casella, SRDP, and/or the Town.

681. 19 Eleanor Lane does not have a POET treatment system installed.

682. In the May 2017 IRA Status Report, Tighe & Bond reported the following testing information to DEP regarding 1,4-dioxane and arsenic concentrations in samples collected from the residential well at 21 Eleanor Lane in Charlton:

¶ No.	Sample Date	1,4-Dioxane Concentration (µg/L) ORSG = 0.3 µg/L	Arsenic Concentration (µg/L) MMCL = 10 µg/L
682a	9/26/13	0.04*	ND
682b	9/28/16	ND	6

683. 21 Eleanor Lane is located approximately one half mile north/northeast of the Landfill. It is the home of the Cumming family, Individual Plaintiffs in this case.

684. 21 Eleanor Lane is receiving bottled water from Casella, SRDP, and/or the Town.

685. 21 Eleanor Lane does not have a POET treatment system installed.

686. Each of the residential wells described above in Paragraphs 495 - 685 extends into deep bedrock.

687. The widespread presence of 1,4-dioxane, trichloroethylene, chlorobenzene, 1,1-dichloroethane, 1,1-dichloroethene, cis-1,2-dichloroethene, toluene, chloroform, benzene, naphthalene, lead, and arsenic in drinking water wells that draw from the Charlton Aquifers, as described in Paragraphs 495 - 685, demonstrates that the Charlton Aquifers are contaminated with these pollutants.

b. The Charlton Aquifer Contamination is Attributable to the Landfill

688. Solid and hazardous waste at the Landfill is the source of the 1,4-dioxane, trichloroethylene, chlorobenzene, 1,1-dichloroethane, 1,1-dichloroethene, cis-1,2-dichloroethene, toluene, chloroform, benzene, naphthalene, lead, and arsenic contamination in the Charlton Aquifers and residential wells.

689. Quarterly Sampling Reports to DEP demonstrate that the Landfill has released and/or continues to release 1,4-dioxane, trichloroethylene, chlorobenzene, 1,1-

dichloroethane, 1,1-dichloroethene, cis-1,2-dichloroethene, toluene, chloroform, benzene, naphthalene, lead, and arsenic into groundwater. See Paragraphs 182 - 229.

690. Testing results from deep bedrock monitoring wells reported to DEP by Tighe & Bond likewise demonstrate that 1,4-dioxane, toluene, and chloroform are present in deep bedrock groundwater near the Landfill. See Paragraphs 216 - 229.

691. The Charlton residential wells listed above in Paragraphs 495 - 685, and the Charlton Aquifers, are located in deep bedrock north/northeast of the Landfill.

692. Pollutants discharged by the Landfill—including but not limited to 1,4-dioxane, trichloroethylene, chlorobenzene, 1,1-dichloroethane, 1,1-dichloroethene, cis-1,2-dichloroethene, toluene, chloroform, benzene, naphthalene, lead, and arsenic—are transported to the Charlton Aquifers through partings parallel to foliation in the bedrock and through other bedrock fractures that strike north/northeast from the Landfill. See Paragraphs 140 - 145.

693. Earth Tech's 2004 Qualitative Risk Assessment and DEP's Negative Report on Suitability note that pollutant discharges to groundwater from the Landfill may present a risk to drinking water in Charlton.

694. In the 2004 Qualitative Risk Assessment, Earth Tech identifies residences on North Ayers Road, Berry Corner Road, No. Ten Schoolhouse Road, Saw Mill Circle, and H Foote Road in Charlton as potential receptors for pollutants released by the Landfill to groundwater.

695. Section II.B.9 of the Negative Report on Suitability states that "Landfill contaminants are present in 15 private drinking water wells to the northeast of the Landfill in the Town of Charlton. These private wells have shown detectable levels of

VOCs, including chlorinated VOCs and 1,4-dioxane, and in some cases, these VOC levels exceed Massachusetts Drinking Water Standards & Guidelines.”

696. DEP also observes in Section II.B.9 of the Negative Report on Suitability that “fracture trace analysis, bedrock geologic mapping and mapping of bedrock fractures clearly indicate that [] some bedrock fracture orientation in the area is north/northeast; the impacted private wells are located north/northeast of the Landfill.”

697. Defendants have not identified a source of the contaminants in the Charlton Aquifers or the Charlton residential wells other than the Landfill.

698. DEP has not identified a source of the contaminants in the Charlton Aquifers or the Charlton residential wells other than the Landfill.

c. The Release of Pollutants from the Landfill to the Charlton Aquifers Has Created, and Will Continue to Create, an Imminent and Substantial Endangerment

699. The pollutants 1,4-dioxane, trichloroethylene, chlorobenzene, 1,1-dichloroethane, 1,1-dichloroethene, cis-1,2-dichloroethene, toluene, chloroform, benzene, naphthalene, lead, and arsenic each pose a risk of serious harm to human health and/or the environment. See Paragraphs 242 - 245, 246 - 247, 257 - 262, 267 - 291.

700. At least forty-five residential wells on No. Ten Schoolhouse Road, Berry Corner Road, H Foote Road, and Eleanor Lane that draw water from the Charlton Aquifers have tested positive for the presence of one or more of the pollutants 1,4-dioxane, trichloroethylene, chlorobenzene, 1,1-dichloroethane, 1,1-dichloroethene, cis-1,2-dichloroethene, toluene, chloroform, benzene, naphthalene, lead, and/or arsenic. See Paragraphs 495 - 685.

701. Nine residential wells that draw water from the Charlton Aquifers have contained concentrations of 1,4-dioxane, trichloroethylene, or 1,1-dichloroethene that exceed applicable safety thresholds. See Paragraphs 495 - 685.

702. Residential wells on No. Ten Schoolhouse Road, Berry Corner Road, H Foote Road, and Eleanor Lane, as well as Sawmill Circle and Hill Road in Charlton that have either not been tested for the presence of 1,4-dioxane, trichloroethylene, chlorobenzene, 1,1-dichloroethane, 1,1-dichloroethene, cis-1,2-dichloroethene, toluene, chloroform, benzene, naphthalene, lead, or arsenic, or have been tested but have not yet tested positive for these pollutants, draw water from the Charlton Aquifers and are at risk of contamination by the pollutants released by the Landfill into groundwater.

703. The presence of 1,4-dioxane, trichloroethylene, chlorobenzene, 1,1-dichloroethane, 1,1-dichloroethene, cis-1,2-dichloroethene, toluene, chloroform, benzene, naphthalene, lead, and arsenic in the Charlton Aquifers, as well as the continued release of these pollutants from the Landfill to groundwater, presents a reasonable prospect of serious potential harm to individuals who rely on these aquifers for their water supply.

704. The voluntary provision of bottled water or POET treatment systems by Casella, SRDP, and/or the Town to some individuals who rely on the Charlton Aquifers does not abate the endangerment presented by the Landfill's groundwater contamination.

705. As described above in Paragraphs 495 - 685, Defendants are not supplying all of those residents whose wells have tested positive for the presence of one or more of the pollutants discharged by the Landfill – let alone all those residents whose wells are at risk of future contamination – with bottled water and/or a POET treatment system.

706. Further, the bottled water provided by Defendants does not adequately meet all of the recipients' drinking, cooking, bathing, and other water needs.

707. As has been the case at 65 H Foote Road, 70 H Foote Road, and 81 H Foote Road, the efficacy of POET treatment systems can diminish over time, see Paragraphs 547 - 553, 563 - 567, and 597 - 603, necessitating regular monitoring and replacement of the activated carbon vessels.

708. Were Defendants to cease the voluntary provision of bottled water or the maintenance of the POET systems, or were they to decline to voluntarily provide bottled water and/or POET systems to Charlton residents with newly discovered well contamination, any such residents would be exposed to dangerous pollutants unless they were able to acquire an alternative water supply or a water treatment system at their own cost.

709. Casella's, SRDP's, and the Town's voluntary entry into the 2017 Consent Order with DEP does not abate the endangerment presented by the Landfill's contamination of the Charlton aquifers.

710. The Water Line described in the 2017 Consent Order would, if completed, provide municipal water service only to homes on H Foote Road, Eleanor Lane, and Berry Corner Road. See Paragraph 316.

711. The Water Line would not provide municipal water service to homes on No. Ten Schoolhouse Road, Sawmill Circle, Hill Road, or other streets that draw water from the Charlton Aquifers and are either contaminated by pollutants released by the Landfill to groundwater or at risk of contamination.

712. Construction and operation of the Water Line depends on a series of contingencies including, but not limited to: (i) the Town of Southbridge's receipt of funds from SRDP for the design, engineering, and construction of the Water Line; (ii) the Town of Charlton's acquisition of real property for the construction of a pump station at the intersection of Southbridge Road and Berry Corner Road; (iii) successful construction of the pump station at the intersection of Southbridge Road and Berry Corner Road; (iv) the Town of Southbridge's ability to secure additional funds to pay the costs of the Water Line if those costs total more than \$10,000,000; and (v) successful construction and operation of the Water Line. See Paragraph 318.

713. If any of the above contingencies does not come to pass, the Water Line will not be constructed and operated as planned.

714. Even if the Water Line were successfully constructed and operated, residents on H. Foote Road, Eleanor Lane, and Berry Corner Road remain at risk of exposure to pollutants released by the Landfill to groundwater up until the commencement of municipal water service via the Water Line.

iii. Sturbridge Aquifer Contamination

715. The Landfill's contamination of drinking water aquifers in the area of McGilpin Road and Fiske Hill Road in Sturbridge (the "Sturbridge Aquifers") presents, and will continue to present, an imminent and substantial endangerment to health and the environment.

a. Sturbridge Residential Well Monitoring

716. Beginning in January 2017, DEP and consultants retained by DEP have been sampling and testing residential wells on McGilpin Road and Fiske Hill Road to investigate groundwater and drinking water aquifer contamination.

717. Pursuant to DEP protocol, if a sampled residential well tests positive for the presence of a contaminant, DEP and/or its consultants thereafter sample and test all residential wells within 500 feet of the contaminated well.

718. Following this protocol, DEP initially sampled and tested nine residential wells on McGilpin Road on January 20, 2017, and has since expanded its sampling and testing to a total of forty-four residential wells on McGilpin Road and Fiske Hill Road.

719. Of the forty-four residential wells sampled, forty-three contain lead and/or 1,4-dioxane.

720. DEP reported the following testing information regarding samples collected from the residential well at 97 McGilpin Road in Sturbridge:

¶ No.	Sample Date	Lead Concentration (µg/L)
		MMCL = 15 µg/L
720a	1/20/17	4.8
720b	1/27/17	5.4

721. 97 McGilpin Road is located approximately three quarters of a mile west/northwest of the Landfill.

722. DEP reported the following testing information regarding samples collected from the residential well at 99 McGilpin Road in Sturbridge:



¶ No.	Sample Date	Lead Concentration (µg/L) MMCL = 15 µg/L
722a	1/27/17	18
722b	2/8/17	1.8

723. 99 McGilpin Road is located approximately three quarters of a mile west/northwest of the Landfill.

724. DEP reported the following testing information regarding samples collected from the residential well at 101 McGilpin Road in Sturbridge:

¶ No.	Sample Date	Lead Concentration (µg/L) MMCL = 15 µg/L
724a	1/24/17	3.3

725. 101 McGilpin Road is located approximately three quarters of a mile west/northwest of the Landfill.

726. DEP reported the following testing information regarding samples collected from the residential well at 102 McGilpin Road in Sturbridge:

¶ No.	Sample Date	1,4-Dioxane Concentration (µg/L) ORSG = 0.3 µg/L
726a	1/27/17	0.063

727. 102 McGilpin Road is located approximately three quarters of a mile west/northwest of the Landfill.

728. DEP reported the following testing information regarding samples collected from the residential well at 104 McGilpin Road in Sturbridge:

¶ No.	Sample Date	1,4-Dioxane Concentration (µg/L) ORSG = 0.3 µg/L	Lead Concentration (µg/L) MMCL = 15 µg/L
728a	1/27/17	0.071	410
728b	2/8/17	0.067	1.3

729. 104 McGilpin Road is located approximately three quarters of a mile west/northwest of the Landfill.

730. DEP reported the following testing information regarding samples collected from the residential well at 105 McGilpin Road in Sturbridge:

¶ No.	Sample Date	Lead Concentration (µg/L) MMCL = 15 µg/L
730a	1/20/17	19
730b	1/27/17	34

731. 105 McGilpin Road is located approximately three quarters of a mile west/northwest of the Landfill.

732. DEP reported the following testing information regarding samples collected from the residential well at 106 McGilpin Road in Sturbridge:

¶ No.	Sample Date	1,4-Dioxane Concentration (µg/L) ORSG = 0.3 µg/L	Lead Concentration (µg/L) MMCL = 15 µg/L
732a	1/24/17	0.074	22
732b	1/27/17	ND	4.5

733. 106 McGilpin Road is located approximately three quarters of a mile west/northwest of the Landfill.

734. DEP reported the following testing information regarding samples collected from the residential well at 107 McGilpin Road in Sturbridge:

¶ No.	Sample Date	1,4-Dioxane Concentration (µg/L) ORSG = 0.3 µg/L	Lead Concentration (µg/L) MMCL = 15 µg/L
734a	1/20/17	0.25	ND
734b	1/27/17	0.2	1

735. 107 McGilpin Road is located approximately three quarters of a mile west/northwest of the Landfill.

736. DEP reported the following testing information regarding samples collected from the residential well at 108 McGilpin Road in Sturbridge:

¶ No.	Sample Date	Lead Concentration (µg/L) MMCL = 15 µg/L
736a	1/20/17	2.1
736b	1/27/17	2.8

737. 108 McGilpin Road is located approximately three quarters of a mile west/northwest of the Landfill.

738. DEP reported the following testing information regarding samples collected from the residential well at 109 McGilpin Road in Sturbridge:

¶ No.	Sample Date	Lead Concentration (µg/L) MMCL = 15 µg/L
738a	1/20/17	140
738b	1/27/17	3.1

739. 109 McGilpin Road is located approximately three quarters of a mile west/northwest of the Landfill.

740. DEP reported the following testing information regarding samples collected from the residential well at 109A McGilpin Road in Sturbridge:

¶ No.	Sample Date	Lead Concentration (µg/L) MMCL = 15 µg/L
740a	1/20/17	5.8

741. 109A McGilpin Road is located approximately three quarters of a mile west/northwest of the Landfill.

742. DEP reported the following testing information regarding samples collected from the residential well at 110 McGilpin Road in Sturbridge:

¶ No.	Sample Date	Lead Concentration (µg/L) MMCL = 15 µg/L
742a	1/20/17	27

743. 110 McGilpin Road is located approximately three quarters of a mile west/northwest of the Landfill.

744. DEP reported the following testing information regarding samples collected from the residential well at 111 McGilpin Road in Sturbridge:

¶ No.	Sample Date	1,4-Dioxane Concentration (µg/L) ORSG = 0.3 µg/L	Lead Concentration (µg/L) MMCL = 15 µg/L
744a	1/20/17	0.093	3.8
744b	1/27/17	0.1	19

745. 111 McGilpin Road is located approximately three quarters of a mile west/northwest of the Landfill.

746. DEP reported the following testing information regarding samples collected from the residential well at 112 McGilpin Road in Sturbridge:

¶ No.	Sample Date	Lead Concentration (µg/L) MMCL = 15 µg/L
746a	1/20/17	18
746b	1/27/17	1.5

747. 112 McGilpin Road is located approximately three quarters of a mile west/northwest of the Landfill.

748. DEP reported the following testing information regarding samples collected from the residential well at 117 McGilpin Road in Sturbridge:

¶ No.	Sample Date	Lead Concentration (µg/L) MMCL = 15 µg/L
748a	1/27/17	4.1

749. 117 McGilpin Road is located approximately three quarters of a mile west/northwest of the Landfill.

750. DEP reported the following testing information regarding samples collected from the residential well at 138 McGilpin Road in Sturbridge:

¶ No.	Sample Date	Lead Concentration (µg/L) MMCL = 15 µg/L
750a	2/16/17	5.9
750b	3/4/17	61.6

751. 138 McGilpin Road is located approximately one mile northwest of the Landfill.

752. DEP reported the following testing information regarding samples collected from the residential well at 125 McGilpin Road in Sturbridge:

¶ No.	Sample Date	Lead Concentration (µg/L) MMCL = 15 µg/L
752a	2/8/17	3.2
752b	2/16/17	21

753. 125 McGilpin Road is located approximately one mile northwest of the Landfill.

754. DEP reported the following testing information regarding samples collected from the residential well at 81 McGilpin Road in Sturbridge:

¶ No.	Sample Date	Lead Concentration (µg/L) MMCL = 15 µg/L
754a	2/16/17	3.6

755. 81 McGilpin Road is located approximately three quarters of a mile west/northwest of the Landfill.

756. DEP reported the following testing information regarding samples collected from the residential well at 83 McGilpin Road in Sturbridge:

¶ No.	Sample Date	Lead Concentration (µg/L) MMCL = 15 µg/L
756a	2/8/17	20
756b	2/16/17	17

757. 83 McGilpin Road is located approximately three quarters of a mile west/northwest of the Landfill.

758. DEP reported the following testing information regarding samples collected from the residential well at 98 McGilpin Road in Sturbridge:

¶ No.	Sample Date	Lead Concentration (µg/L) MMCL = 15 µg/L
758a	2/8/17	9.2
758b	2/16/17	6

759. 98 McGilpin Road is located approximately three quarters of a mile west/northwest of the Landfill.

760. DEP reported the following testing information regarding samples collected from the residential well at 96 McGilpin Road in Sturbridge:

¶ No.	Sample Date	Lead Concentration (µg/L) MMCL = 15 µg/L
760a	2/8/17	7.7
760b	2/16/17	15

761. 96 McGilpin Road is located approximately three quarters of a mile west/northwest of the Landfill.

762. DEP reported the following testing information regarding samples collected from the residential well at 88 McGilpin Road in Sturbridge:

¶ No.	Sample Date	Lead Concentration (µg/L) MMCL = 15 µg/L
762a	2/21/17	28
762b	3/4/17	7.4

763. 88 McGilpin Road is located approximately three quarters of a mile west of the Landfill.

764. DEP reported the following testing information regarding samples collected from the residential well at 80 McGilpin Road in Sturbridge:

¶ No.	Sample Date	Lead Concentration (µg/L) MMCL = 15 µg/L
764a	2/28/17	5.1
764b	3/31/17	1.9

765. 80 McGilpin Road is located approximately three quarters of a mile west of the Landfill.

766. DEP reported the following testing information regarding samples collected from the residential well at 82 McGilpin Road in Sturbridge:

¶ No.	Sample Date	Lead Concentration (µg/L) MMCL = 15 µg/L
766a	2/28/17	10
766b	3/31/17	173

767. 82 McGilpin Road is located approximately three quarters of a mile west of the Landfill.

768. DEP reported the following testing information regarding samples collected from the residential well at 127 McGilpin Road in Sturbridge:

¶ No.	Sample Date	Lead Concentration (µg/L) MMCL = 15 µg/L
768a	3/17/17	532
768b	3/31/17	154



769. 127 McGilpin Road is located approximately one mile northwest of the Landfill.

770. DEP reported the following testing information regarding samples collected from the residential well at 51 McGilpin Road in Sturbridge:

¶ No.	Sample Date	Lead Concentration (µg/L)
		MMCL = 15 µg/L
770a	3/6/17	36
770b	3/6/17	167
770c	3/15/17	17.8

771. 51 McGilpin Road is located approximately one mile west of the Landfill.

772. DEP reported the following testing information regarding samples collected from the residential well at 78 McGilpin Road in Sturbridge:

¶ No.	Sample Date	Lead Concentration (µg/L)
		MMCL = 15 µg/L
772a	3/6/17	18
772b	3/6/17	8.8
772c	3/15/17	7.7

773. 78 McGilpin Road is located approximately one mile west of the Landfill.

774. DEP reported the following testing information regarding samples collected from the residential well at 74 McGilpin Road in Sturbridge:

¶ No.	Sample Date	Lead Concentration (µg/L)
		MMCL = 15 µg/L
774a	3/15/17	68.3
774b	3/29/17	30.1

775. 74 McGilpin Road is located approximately one mile west of the Landfill.

776. DEP reported the following testing information regarding samples collected from the residential well at 53 McGilpin Road in Sturbridge:

¶ No.	Sample Date	Lead Concentration (µg/L) MMCL = 15 µg/L
776a	3/17/17	14.9
776b	3/29/17	3

777. 53 McGilpin Road is located approximately one mile west of the Landfill.

778. DEP reported the following testing information regarding samples collected from the residential well at 50 McGilpin Road in Sturbridge:

¶ No.	Sample Date	Lead Concentration (µg/L) MMCL = 15 µg/L
778a	3/17/17	89.6
778b	3/29/17	12.8

779. 50 McGilpin Road is located approximately one mile west of the Landfill.

780. DEP reported the following testing information regarding samples collected from the residential well at 60 McGilpin Road in Sturbridge:

¶ No.	Sample Date	Lead Concentration (µg/L) MMCL = 15 µg/L
780a	3/15/17	66
780b	3/29/17	17.5

781. 60 McGilpin Road is located approximately one mile west of the Landfill.

782. DEP reported the following testing information regarding samples collected from the residential well at 76 McGilpin Road in Sturbridge:

¶ No.	Sample Date	Lead Concentration (µg/L) MMCL = 15 µg/L
782a	3/20/17	2.8
782b	3/31/17	1.5

783. 76 McGilpin Road is located approximately one mile west of the Landfill.

784. DEP reported the following testing information regarding samples collected from the residential well at 113 McGilpin Road in Sturbridge:

¶ No.	Sample Date	Lead Concentration (µg/L) MMCL = 15 µg/L
784a	3/15/17	446
784b	3/29/17	13.4

785. 113 McGilpin Road is located approximately three quarters of a mile west/northwest of the Landfill.

786. DEP reported the following testing information regarding samples collected from the residential well at 145 McGilpin Road in Sturbridge:

¶ No.	Sample Date	Lead Concentration (µg/L) MMCL = 15 µg/L
786a	3/17/17	39.9
786b	3/29/17	116

787. 145 McGilpin Road is located approximately one mile northwest of the Landfill.

788. DEP reported the following testing information regarding samples collected from the residential well at 58 McGilpin Road in Sturbridge:

¶ No.	Sample Date	Lead Concentration (µg/L) MMCL = 15 µg/L
788a	3/15/17	79.5
788b	3/31/17	5.1

789. 58 McGilpin Road is located approximately three quarters of a mile west of the Landfill.

790. DEP reported the following testing information regarding samples collected from the residential well at 25 McGilpin Road in Sturbridge:

¶ No.	Sample Date	Lead Concentration (µg/L) MMCL = 15 µg/L
790a	3/29/17	1

791. 25 McGilpin Road is located approximately three quarters of a mile west/northwest of the Landfill.

792. DEP reported the following testing information regarding samples collected from the residential well at 176 Fiske Hill Road in Sturbridge:

¶ No.	Sample Date	Lead Concentration (µg/L) MMCL = 15 µg/L
792a	3/29/17	133
792b	4/14/17	23.4

793. 176 Fiske Hill Road is located approximately one mile west/northwest of the Landfill.

794. DEP reported the following testing information regarding samples collected from the residential well at 13 McGilpin Road in Sturbridge:

¶ No.	Sample Date	Lead Concentration (µg/L) MMCL = 15 µg/L
794a	4/14/17	3.4
794b	5/3/17	5.3

795. 13 McGilpin Road is located approximately one mile west of the Landfill.

796. DEP reported the following testing information regarding samples collected from the residential well at 18 McGilpin Road in Sturbridge:

¶ No.	Sample Date	Lead Concentration (µg/L) MMCL = 15 µg/L
796a	4/14/17	2.4
796b	5/3/17	1.4

797. 18 McGilpin Road is located approximately one mile west of the Landfill.

798. DEP reported the following testing information regarding samples collected from the residential well at 14 McGilpin Road in Sturbridge:

¶ No.	Sample Date	Lead Concentration (µg/L) MMCL = 15 µg/L
798a	4/14/17	22
798b	5/3/17	6

799. 14 McGilpin Road is located approximately one mile west of the Landfill.

800. DEP reported the following testing information regarding samples collected from the residential well at 12 McGilpin Road in Sturbridge:

¶ No.	Sample Date	Lead Concentration (µg/L) MMCL = 15 µg/L
800a	4/18/17	16.4
800b	5/3/17	6.8

801. 12 McGilpin Road is located approximately one mile west of the Landfill.

802. DEP reported the following testing information regarding samples collected from the residential well at 180 Fiske Hill Road in Sturbridge:

¶ No.	Sample Date	Lead Concentration (µg/L) MMCL = 15 µg/L
802a	4/14/17	67.2
802b	5/3/17	6.3

803. 180 Fiske Hill Road is located approximately one mile northwest of the Landfill.

804. DEP reported the following testing information regarding samples collected from the residential well at 179 Fiske Hill Road in Sturbridge:

¶ No.	Sample Date	Lead Concentration (µg/L) MMCL = 15 µg/L
804a	4/14/17	3.4
804b	5/3/17	6

805. 179 Fiske Hill Road is located approximately one mile northwest of the Landfill.

806. DEP has offered to temporarily supply the homes listed above in Paragraphs 720 - 805 with bottled water through a state-funded contractor while it investigates the contamination.

807. The widespread presence of 1,4-dioxane and/or lead in drinking water wells, as described in Paragraphs 720 - 805, demonstrates that the Sturbridge Aquifers are contaminated with these pollutants.

b. The Sturbridge Aquifer Contamination is Attributable to the Landfill

808. Solid and hazardous waste at the Landfill is the source of the 1,4-dioxane and lead contamination in the Sturbridge Aquifers.

809. Quarterly Sampling Reports to DEP demonstrate that the Landfill has released and continues to release 1,4-dioxane and lead into groundwater. See Paragraphs 182 - 229.

810. Testing results from deep bedrock monitoring wells reported to DEP by Tighe & Bond likewise demonstrate that 1,4-dioxane is present in deep bedrock groundwater near the Landfill. See Paragraphs 216 - 229.

811. Samples collected from deep bedrock monitoring wells at the Landfill—SH-3, SH-4, and the Former Irrigation Well—have not been tested for the presence of lead.

812. The Sturbridge residential wells listed above in Paragraphs 720 - 805, and the Sturbridge Aquifers, are located in deep bedrock west/northwest of the Landfill.

813. Pollutants discharged by the Landfill—including but not limited to 1,4-dioxane and lead—are transported to the Sturbridge Aquifers through conjugate bedrock fractures and through other deep bedrock fractures that strike northwest from the Landfill. See Paragraphs 140 - 145.

814. Defendants have not identified a source of the contaminants in the Sturbridge Aquifers or the Sturbridge residential wells other than the Landfill.

815. DEP has not identified a source of the contaminants in the Sturbridge Aquifers or the Sturbridge residential wells other than the Landfill.

c. The Release of Pollutants from the Landfill to the Sturbridge Aquifers Has Created, and Will Continue to Create, an Imminent and Substantial Endangerment

816. Lead and 1,4-dioxane each pose a risk of serious harm to human health and/or the environment. See Paragraphs 242 - 245, 257 - 262.

817. Forty-three out of forty-four residential wells on McGilpin Road and Fiske Hill Road tested by DEP have contained lead and/or 1,4-dioxane. See Paragraphs 720 - 805.

818. Twenty-seven residential wells on McGilpin Road and Fiske Hill road have contained lead concentrations that exceed the MMCL. See Paragraphs 720 - 805.

819. Residential wells on McGilpin Road, Fiske Hill Road, Old Farms Road, Apple Hill Road, and Summit Ridge that have either not been tested for the presence of 1,4-dioxane or lead, or have been tested but have not yet tested positive for these pollutants, draw water from the Sturbridge Aquifers and are at risk of contamination by the pollutants released by the Landfill into groundwater.

820. The presence of lead and 1,4-dioxane in the Sturbridge Aquifers, as well as the continued release of these pollutants from the Landfill to the groundwater, presents a reasonable prospect of serious potential harm to individuals who rely on these aquifers for their water supply.

821. The temporary provision of bottled water by DEP to some individuals who rely on the Sturbridge Aquifers does not abate the endangerment presented by the Landfill's groundwater contamination.



822. Water provided by DEP does not adequately meet all of the recipients' drinking, cooking, bathing, and other water needs.

823. Were DEP to cease the provision of bottled water or decline to provide bottled water to Sturbridge residents with newly discovered well contamination, any such residents would be exposed to dangerous pollutants unless they were able to acquire an alternative water supply or a water treatment system at their own cost.

824. Casella's, SRDP's, and the Town's voluntary entry into the 2017 Consent Order with DEP does not abate the endangerment presented by the Landfill's contamination of the Sturbridge aquifers.

825. If completed, the Water Line described in the 2017 Consent Order would not provide municipal water service to any homes on McGilpin Road, Fiske Hill Road, Old Farms Road, Apple Hill Road, or Summit Ridge.

iv. Defendants Are Contributing to the Imminent and Substantial Endangerment

826. Defendants' past and present handling, storage, treatment, transportation, and/or disposal of solid and hazardous waste – specifically, the construction and operation of the Landfill in a way that allows toxic waste material to be released to and contaminate drinking water aquifers for residential wells in Charlton and Sturbridge, and the operation of the Landfill in a manner that allows the contamination to continue and to worsen – has created a situation that presents an imminent and substantial endangerment to health or the environment within the meaning of RCRA.

827. Casella and SRDP have constructed Landfill cells, prepared waste for disposal, disposed of waste, applied cover material, and/or maintained and operated leachate collection and pollution control systems in a manner that allows toxic waste

material – including but not limited to lead, arsenic, 1,4-dioxane, trichloroethylene, chlorobenzene, 1,1-dichloroethane, 1,1-dichloroethene, cis-1,2-dichloroethene, toluene, benzene, naphthalene, and chloroform – to be released to groundwater and to contaminate the Charlton and Sturbridge Aquifers.

828. Casella and SRDP have failed and are failing to prevent the migration of these waste materials from Landfill cells to bedrock groundwater that supplies the Charlton and Sturbridge Aquifers.

829. Through their past and present operation of the Landfill, Casella and SRDP have contributed and are contributing to “the handling, storage, treatment, transportation, and/or disposal of [] solid or hazardous waste which may present an imminent and substantial endangerment to health or the environment” within the meaning of RCRA, 42 U.S.C. § 6972(a)(1)(B).

830. The Town has exercised its ownership obligations, constructed Landfill cells, prepared waste for disposal, disposed of waste, applied cover material, and/or managed pollution control systems in a manner that allows toxic waste material – including but not limited to lead, arsenic, 1,4-dioxane, trichloroethylene, chlorobenzene, 1,1-dichloroethane, 1,1-dichloroethene, cis-1,2-dichloroethene, toluene, benzene, naphthalene, and chloroform – to be released to groundwater and to contaminate the Charlton and Sturbridge Aquifers.

831. The Town has failed and is failing to prevent the migration of these waste materials from Landfill cells to bedrock groundwater that supplies the Charlton and Sturbridge Aquifers.

832. Through its ownership and past operation of the Landfill, the Town has contributed and is contributing to the “handling, storage, treatment, transportation, and/or disposal of □ solid or hazardous waste which may present an imminent and substantial endangerment to health or the environment” within the meaning of RCRA, 42 U.S.C. § 6972(a)(1)(B).

v. The Individual Plaintiffs and the Group Plaintiffs’ Members are  
Harmed by the Landfill’s Imminent and Substantial Endangerment

833. The Individual Plaintiffs and members of the Group Plaintiffs live in homes in Charlton and Sturbridge with private wells. These wells draw their water from the aquifers that the Landfill has polluted with lead, arsenic, 1,4-dioxane, trichloroethylene, chlorobenzene, 1,1-dichloroethane, 1,1-dichloroethene, cis-1,2-dichloroethene, toluene, chloroform, benzene, and/or naphthalene.

834. Members of the Group Plaintiffs live on or near H Foote Road and Berry Corner Road in Charlton and McGilpin Road in Sturbridge.

835. The Individual Plaintiffs and members of the Group Plaintiffs are distressed by the potential health effects to themselves, their families, and their neighbors from exposure to the Landfill’s pollutants in their well water.

836. The Individual Plaintiffs and members of the Group Plaintiffs avoid drinking water from the wells at their homes in Charlton and Sturbridge. Many of them avoid cooking, washing, or brushing their teeth with their well water. They are loath to bathe in their well water. Many buy bottled water or have bought water treatment systems in an effort to lessen their exposure to the Landfill’s pollutants.

837. Despite the use of water treatment systems at some of their homes, the Individual Plaintiffs and members of the Group Plaintiffs are concerned that the treatment systems do not adequately remove all of the Landfill's pollutants.

838. The Individual Plaintiffs and members of the Group Plaintiffs are distressed because they at one time had clean, safe drinking water and now must choose between drinking contaminated or potentially contaminated water and either installing a treatment system or securing alternative drinking water.

839. The Individual Plaintiffs and members of the Group Plaintiffs are concerned that testing performed on their residential wells does not always accurately reflect pollutant levels. They are concerned that the pollutant levels at any given point in time may be significantly higher than indicated by the last round of testing.

840. The Individual Plaintiffs and members of the Group Plaintiffs are concerned that they are depositing dangerous pollutants on their clothes by washing them in water contaminated by the Landfill's pollutants.

841. The Individual Plaintiffs and members of the Group Plaintiffs are concerned that they are exposing themselves to aerosolized pollutants when they shower using water contaminated by the Landfill's pollutants.

842. The Individual Plaintiffs and members of the Group Plaintiffs are distressed because the value of their homes has been diminished by the Landfill's contamination of their wells and the Charlton and Sturbridge Aquifers. They are distressed that the money, time, and labor they have invested in their homes has gone to waste because of this loss in value.

**COUNT 3: PROPERTY DAMAGE UNDER M.G.L. c. 21E, § 5**

843. Paragraphs 1 - 331, 477 - 714, and 826 - 842 are hereby re-alleged and incorporated by reference herein.

844. Count 3 is brought by the Individual Plaintiffs only, against all Defendants.

845. M.G.L. c. 21E *et seq.* is the Massachusetts Oil and Hazardous Material Release Prevention and Response Act.

846. Under M.G.L. c. 21E, § 5(a), “the owner or operator of a vessel or a site from or at which there is or has been a release or threat of release of oil or hazardous material ... shall be liable, without regard to fault ... to any person for damage to his real or personal property incurred or suffered as a result of such release or threat of release.”

847. “Hazardous material,” within the meaning of M.G.L. c. 21E, means “material including but not limited to, any material, in whatever form, which, because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment, when improperly stored, treated, transported, disposed of, used, or otherwise managed. ... The term shall also include all those substances which are included under 42 U.S.C. Sec. 9601(14), but it is not limited to those substances.”

M.G.L. c. 21E, § 2.

848. Under 42 U.S.C. § 9601(14), hazardous substances include “any toxic pollutant listed under section 307(a) of the Federal Water Pollution Control Act”—that is, 33 U.S.C. § 1317(a).

849. The toxic pollutant list established under 33 U.S.C. § 1317(a) is at 40 C.F.R. § 401.15. Lead, arsenic, trichloroethylene, chlorobenzene, 1,1-dichloroethene, cis-1,2-dichloroethene, toluene, chloroform, benzene, and naphthalene are on the list.

850. Under the authority of M.G.L. c. 21E, as part of the Massachusetts Contingency Plan, DEP has also established a list of hazardous materials. See 310 CMR 40.0974. Lead, arsenic, 1,4-dioxane, trichloroethylene, chlorobenzene, 1,1-dichloroethane, 1,1-dichloroethene, cis-1,2-dichloroethene, toluene, chloroform, benzene, and naphthalene are on the list.

851. Lead, arsenic, 1,4-dioxane, trichloroethylene, chlorobenzene, 1,1-dichloroethane, 1,1-dichloroethene, cis-1,2-dichloroethene, toluene, chloroform, benzene, and naphthalene are hazardous materials within the meaning of M.G.L. c. 21E, both by virtue of their toxicity and by virtue of their inclusion in the lists at 40 C.F.R. § 401.15 or 310 CMR 40.0974, or both.

852. The Landfill is “a site from or at which there is or has been a release or threat of release of ... hazardous material” within the meaning of M.G.L. c. 21E, § 5. These hazardous materials include, but are not limited to, lead, arsenic, 1,4-dioxane, trichloroethylene, chlorobenzene, 1,1-dichloroethane, 1,1-dichloroethene, cis-1,2-dichloroethene, toluene, chloroform, benzene, and naphthalene.

853. The Landfill’s release and threatened release of hazardous materials to groundwater—including but not limited to lead, arsenic, 1,4-dioxane, trichloroethylene, chlorobenzene, 1,1-dichloroethane, 1,1-dichloroethene, cis-1,2-dichloroethene, toluene, chloroform, benzene, and naphthalene—has damaged the Individual Plaintiffs’ real properties by diminishing their value. This is true both for those Individual Plaintiffs

whose wells have thus far been found contaminated by the Landfill's hazardous materials and for those Individual Plaintiffs whose wells are threatened with such contamination. In either case, the properties have been devalued, as buyers of real estate are disinclined to purchase properties with wells that either are or imminently may be contaminated with hazardous materials.

854. In the event and to the degree that municipal water is ultimately provided for the Individual Plaintiffs, the diminution in their property values will persist, both because their homes and neighborhood have been stigmatized by the Landfill's releases of hazardous materials, and because their homes will carry a cost—that of paying for municipal water—that they had not previously carried.

855. As operators of the Landfill, Casella and SRDP are liable without regard to fault under M.G.L. c. 21E, § 5(a), for the damage that the Landfill's releases of hazardous materials have caused to the Individual Plaintiffs' Properties.

856. As the owner and former operator of the Landfill, the Town of Southbridge is liable without regard to fault under M.G.L. c. 21E, § 5(a), for the damage that the Landfill's releases of hazardous materials have caused to the Individual Plaintiffs' Properties.

**COUNT 4: CONTINUING PRIVATE NUISANCE**

857. Paragraphs 1 - 331, 477 - 714, 826 - 842, and 843 - 856 are hereby re-alleged and incorporated by reference herein.

858. Count 4 is brought by the Individual Plaintiffs only, against all Defendants.

859. Under the common law of Massachusetts, a person is liable for private nuisance when, on property that he owns or controls, he creates, permits, or maintains a

condition that causes a substantial and unreasonable interference with the use and enjoyment of the property of another.

860. As set forth in Paragraphs 39 - 78, 322 - 331, 477 - 714, 826 - 842, and 843 - 856 above, the Landfill's odor, noise, and groundwater pollution have each severely diminished the Individual Plaintiffs' use and enjoyment of their properties, and diminished the value thereof. For years, the Landfill's various pollution has plagued the Individual Plaintiffs, bringing daily disruption, distraction, fear, anger, frustration, physical discomfort, and psychological stress to their lives.

861. The Landfill's recurring emissions of malodorous gases and offensive noise have caused, and continue to cause, a substantial and unreasonable interference with the Individual Plaintiffs' use and enjoyment of their properties, and constitute a continuing private nuisance.

862. The Landfill's continuing contamination of the Charlton Aquifers, its contamination of the Individual Plaintiffs' wells, and the threat of further such contamination has caused, and continues to cause, a substantial and unreasonable interference with the Individual Plaintiffs' use and enjoyment of their properties, and constitutes a continuing private nuisance.

863. Casella and SRDP are liable for the above-described nuisances because they control the Landfill and its polluting activities. The Town of Southbridge is liable for these nuisances because it owns and previously controlled the Landfill.

**COUNT 5: CONTINUING TRESPASS**

864. Paragraphs 1 - 331, 477 - 714, 826 - 842, 843 - 856, and 857 - 863 are hereby re-alleged and incorporated by reference herein.



865. Count 5 is brought by the Individual Plaintiffs only, against all Defendants.

866. Under the common law of Massachusetts, a trespass is an act of physical interference with a landowner's exclusive possession of his property.

867. The Landfill's recurring pollution of the Individual Plaintiffs' properties with malodorous gases is an act of physical interference with their exclusive possession of their properties, and constitutes a continuing trespass.

868. The Landfill's contamination of the Individual Plaintiffs' wells with toxic pollutants is an act of physical interference with their exclusive possession of their properties, and constitutes a continuing trespass.

869. Casella and SRDP are liable for the above-described trespasses because they control the Landfill and its polluting activities. The Town of Southbridge is liable for these trespasses because it owns and previously controlled the Landfill.

#### **COUNT 6: UNJUST ENRICHMENT**

870. Paragraphs 1 - 81, 322 - 331, and 857 - 869 are hereby re-alleged and incorporated by reference herein.

871. Count 6 is brought by the Individual Plaintiffs only, against Casella and SRDP.

872. Under the common law of Massachusetts, unjust enrichment is the acquisition of some benefit at the expense of another, where the retention of that benefit would be inequitable.

873. As set forth in Paragraphs 322 - 331, Casella and SRDP have consistently and knowingly failed to invest in available odor and noise control technologies that would prevent or mitigate the Landfill's odor and noise pollution.

874. Casella and SRDP possess adequate funds to invest in improved odor and noise control technologies, but have opted to retain those funds and to continue to pollute the Individual Plaintiffs' properties. In effect, rather than pay to contain their pollution, Casella and SRDP have opted to take a pollution easement on the Individual Plaintiffs' properties.

875. By taking a *de facto* pollution easement on the Individual Plaintiffs' properties rather than paying to contain their odor and noise pollution, Casella and SRDP have been unjustly enriched at the Individual Plaintiffs' expense.

#### **VI. JURY DEMAND**

Plaintiffs demand a jury trial on all issues so triable.

#### **VII. RELIEF REQUESTED**

As to Count 1, the Group Plaintiffs request that this Court:

- a. Declare Defendants to have violated and to be in violation of the Clean Water Act and the MSGP NPDES permit by committing each of the violations described above in Count 1;
- b. Order Defendants to comply with the Clean Water Act and the MSGP NPDES permit, and to refrain from further violations;
- c. Order Defendants to implement measures to remedy, mitigate, or offset the harm to the environment caused by the violations alleged in Count 1;
- d. Assess an appropriate civil penalty against Defendants of up to \$52,414 per day for each violation of the Clean Water Act, as provided by 33 U.S.C. § 1319(d);

e. Award the Group Plaintiffs their costs of litigation for Count 1 (including reasonable attorney and expert witness fees), as provided by 33 U.S.C. § 1365(d);

f. Order such other relief related to Count I as the Court deems appropriate.

As to Count 2, the Group Plaintiffs and the Individual Plaintiffs request that this Court:

a. Declare Defendants “to have contributed and to be contributing to the past or present handling, storage, treatment, transportation, or disposal of [] solid or hazardous waste which may present an imminent and substantial endangerment to health or the environment” within the meaning of 42 U.S.C. § 6972(a)(1)(B), as described in Count 2;

b. Order Defendants to implement measures to eliminate, remedy, mitigate, monitor, and offset the imminent and substantial endangerment to health and the environment, and the harm to health and the environment caused by the endangerment, described in Count 2, as provided by 42 U.S.C. § 6972(a);

c. Award the Group Plaintiffs and Individual Plaintiffs their costs of litigation for Count 2 (including reasonable attorney and expert witness fees), as provided by 42 U.S.C. § 6972(e);

d. Order such other relief as the Court deems appropriate.

As to Count 3, the Individual Plaintiffs seek the following relief:

a. An award of damages to compensate the Individual Plaintiffs for the diminution in value of their properties, under M.G.L. c. 21E, § 5(a);

- b. An award of the Individual Plaintiffs' costs of litigation for Count 3 (including reasonable attorney and expert witness fees), as provided by M.G.L. c. 21E, § 15;
- c. An award of interest on any damage award, calculated at the Massachusetts statutory interest rate of 12% per annum, from the day that this Complaint is filed;
- d. Such other relief as the Court deems appropriate.

As to Counts 4 and 5, the Individual Plaintiffs seek the following relief:

- a. An order enjoining further operation of the Landfill;
- b. An order enjoining Defendants' further pollution of groundwater at and around the Landfill;
- c. An order mandating that Defendants fully investigate the extent of their groundwater contamination;
- d. An order mandating that Defendants fully remediate the groundwater that they have contaminated;
- e. An order mandating that Defendants prospectively monitor all Individual Plaintiffs' wells for pollutants until such time as the Individual Plaintiffs receive municipal water.
- f. An order mandating that Defendants provide municipal water for each Individual Plaintiff household;
- g. An order enjoining any further emission of nuisance odors or noise from the Landfill;

- h. An award of damages to compensate the Individual Plaintiffs for the diminution in value of their properties caused by Defendants' nuisance and trespass;
- i. An award of damages to compensate the Individual Plaintiffs for their lost use and enjoyment of their properties caused by Defendants' nuisance and trespass;
- j. An award of damages to compensate the Individual Plaintiffs for the loss of quality of life and psychological stress caused by Defendants' nuisance and trespass;
- k. An award of damages to compensate the Individual Plaintiffs for the cost of any water that they have purchased or will have to purchase to replace the water that they formerly drew from their wells;
- l. An award of damages to compensate the Individual Plaintiffs for the cost of any water treatment systems that they have purchased or will have to purchase in an effort to protect themselves from the Landfill's pollutants;
- m. An award of damages to compensate the Individual Plaintiffs for any damage that is done to their properties in the process of installing municipal water at their homes;
- n. An award of interest on any damage award, calculated at the Massachusetts statutory interest rate of 12% per annum, from the day that this Complaint is filed;

- o. The creation of a medical monitoring fund to enable the Individual Plaintiffs to monitor for and detect diseases potentially caused by the toxic chemicals and metals to which they have been or may have been exposed;
- p. Such other relief as the Court deems appropriate.

As to Count 6, the Individual Plaintiffs seek the following relief:

- a. A disgorgement of the financial benefits that have accrued to Defendants in consequence of their failure to invest in timely and appropriate odor and noise control technologies, with restitution to the Individual Plaintiffs in that amount;
- b. An award of interest on any restitution, calculated at the Massachusetts statutory interest rate of 12% per annum, from the day that this Complaint is filed;
- c. Such other relief as the Court deems appropriate.

Respectfully Submitted by the Group Plaintiffs,

TOXIC ACTION CENTER, INC. and  
ENVIRONMENT AMERICA, INC. d/b/a  
ENVIRONMENT MASSACHUSETTS,

By their Attorneys:

/s/ Kevin P. Budris

Kevin P. Budris (BBO # 680075)  
Joshua R. Kratka (BBO # 544792)  
Charles C. Caldart (BBO # 547064)  
National Environmental Law Center  
294 Washington Street, Suite 500  
Boston, MA 02108  
(617) 747-4304  
Email: kevin.budris@nelconline.org  
Email: josh.kratka@nelconline.org  
Email: cccnelc@aol.com

David A. Nicholas (BBO # 553996)  
20 Whitney Road  
Newton, MA 02460  
(617) 964-1548  
Email: [dnicholas@verizon.net](mailto:dnicholas@verizon.net)

Respectfully Submitted by the Individual Plaintiffs,

MARTHA BERGSTROM and KENNETH BERGSTROM; ELIZABETH BOURASSA and GREG BOURASSA, individually and on behalf of their minor child C.B.; CHRISTIAN BOUSQUET, individually and on behalf of his minor children E.B. and C.B.; BRIAN BREEN and DIANE BREEN, individually and on behalf of their minor children Ky.B., Ke.B., and Ka.B.; JAYME BURDETT and CLARE BURDETT, individually and on behalf of their minor children A.B. and M.B.; CELESTE CARLSON and DAVID CARLSON; CHRISTOPHER CARPENTER and MELISSA CARPENTER; STEPHEN COLEMAN and LYNN COLEMAN, individually and on behalf of their minor children L.C. and I.C.; LISA COURCHAIINE and DEREK COURCHAIINE, individually and on behalf of their minor child A.C.; ERNEST COURVILLE and THERESA COURVILLE; TODD CUMMING and ELIZABETH CUMMING, individually and on behalf of their minor children C.C. and A.C.; PAUL DAOUST and DEBRA DAOUST, individually and on behalf of their minor child B.D.; WILFRID GALLIEN and WENDY GALLIEN, individually and on behalf of their minor children J.G. and T.G.; SARAH GERVAIS; ROBERT JAY HOGAN and BARBARA HOGAN; KEVIN JADIN and MELISSA JADIN; JOHN JORDAN and SHARON JORDAN, individually and on behalf of their minor child C.J.; KATHLEEN JOY and KENNETH JOY; DIRK LODDER and LAURA LODDER; JOHN MAHAN and

SARAH NEWTON, individually and on behalf of their minor children S.M. and M.M.; RAMONA MANCINI and GEORGE MANCINI; HEATHER MARIACHER; DONNA MARSHALL and MICHAEL MARSHALL; STEPHEN METRAS and JOAN METRAS; JENNIFER MOBERG and SCOTT MOBERG, individually and on behalf of their minor children Ju.M. and Jo.M.; ALICE MURPHY and KELLY MURPHY; MICHAEL O'NEILL and SHALYN O'NEILL, individually and on behalf of their minor children B.O. and J.O.; JENNIFER RAPOZA and JOHN RAPOZA; KENNETH RAUKTIS and ELLEN RAUKTIS; DARRICK ROE and SARA ROE, individually and on behalf of their minor child D.R.; CHRISTOPHER SHAW and LAUREN SHAW, individually and on behalf of their minor children A.S., R.S., and B.S.; EDWARD SKOWRON and JOANNE SKOWRON; DANIEL STERN and CATHERINE STERN, individually and on behalf of their minor children N.S. and M.S.; KEVIN WELDON and CYNTHIA WELDON; SHERRI WESTBURY and JOSEPH WESTBURY, individually and on behalf of their minor children A.W. and R.W.; and LAURIE ZANCA,

By their Attorney:

/s/ James P. Vander Salm

James P. Vander Salm (BBO # 663320)  
Law Office of James P. Vander Salm  
30 Clairmont Street  
Longmeadow, MA 01106  
(413) 935-1890  
jvandersalm@vandersalmlaw.com

Dated: June 9, 2017



**CORPORATE DISCLOSURE STATEMENT**

Pursuant to Fed. R. Civ. P. 7.1 and LR 7.3, Plaintiffs Toxics Action Center, Inc. and Environment America, Inc. state that they have no parent corporation, and are not owned to any degree by any publicly held company.

